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J.L.

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/659,430 09/08/00 VANCURA

0 2000/4

EXAMINER

QM32/0110

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ESHETE, Z

ART UNIT	PAPER NUMBER
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3711

#2

DATE MAILED:

01/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/659,430

Applicant(s)

VANCURA, OLAF

Examiner

Zelalem Eshete

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

DETAILED ACTION
FIRST ACTION ON THE MERITS

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It consists of sentences comprising omitted (deleted) words.

Claim Objections

2. Claim 1 is objected to because of the following informalities: A claim should be one sentence ending with a period (see the period on page 18, line 5). Appropriate correction is required.

Specification

3. The disclosure on pages 3 to 16 pertains to the "Detail Description of the Invention" outlined on pages 16 and 17. The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

The following order or arrangement is preferred in framing the specification and, except for the reference to "Microfiche Appendix" and the drawings, each of the lettered

items should appear in upper case, without underlining or bold type, as section headings. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) Title of the Invention.
- (b) Cross-References to Related Applications.
- (c) Statement Regarding Federally Sponsored Research or Development.
- (d) Reference to a "Microfiche Appendix" (see 37 CFR 1.96).
- (e) Background of the Invention.
 - 1. Field of the Invention.
 - 2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) Brief Summary of the Invention.
- (g) Brief Description of the Several Views of the Drawing(s).
- (h) Detailed Description of the Invention.
- (i) Claim or Claims (commencing on a separate sheet).
- (j) Abstract of the Disclosure (commencing on a separate sheet).
- (k) Drawings.
- (l) Sequence Listing (see 37 CFR 1.821-1.825).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 7, 9 – 12, 14 – 25, and 27 – 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Harris.

Regarding claims 1, 2, 10, 12, 15, 17 – 20, 28 and 30 – 32: Walker discloses a method of playing a game in conjunction with slot machine comprising a path of a plurality of squares (see Figure 1). He teaches establishing a random means of traversing the path while awarding the player the values associated with squares landed thereon (see column 10, lines 35 to 40 and 64 to 66).

Walker lacks specifying: (a) a plurality of paths, (b) allowing a player select one of the paths, (c) each path having a start and an end positions, and (d) the overall house advantage is controlled. The functional recitations, the intended use of the game as a base game or bonus game, have not been given patentable weight since the prior art shows the structural limitations and these limitations are not limited to one method of play.

Harris discloses a game employing a plurality of intersecting paths (see Figure 1). The player, when meeting a certain requirement, is also allowed to select a given path (see column 6, lines 33 to 37).

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Walker defines a path that inherently has two ends (see Figure 1, numerals 101 and 144). He claimed a path that has a general racetrack shape (see column 11, lines 53 and 54). He also teaches that the shape of the path as depicted in Figure 1 can be changed and the path can have greater or lesser number of boxes (see column 10, lines 58 to 61).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Walker in view of Harris by adding additional path with more options given to the players for playing a more challenging game.

It is old and known in the game art of gambling, such as casino game, that the overall house advantages should be controlled for profitability. It is also old and known in casino gaming art to allow players to acquire items or privileges.

Regarding claims 3 – 7 and 21 – 25: Walker discloses that dice can be used as a random chance device (see column 10, lines 64 – 66). It is old and known in the game art that spinning a spinner, rotating a wheel, flipping a coin and using random number generator are equivalent means of chance devices. It has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. [St. Regis Paper Co. v. Bemis Co., 193 USPQ 8.]

Regarding claims 9, 14 and 27: Walker discloses certain squares causing additional movement (see column 3, lines 61 to 65).

Regarding claims 11, 16 and 29: Walker discloses establishing squares having associated games (see column 3, lines 36 to 49).

5. Claims 8, 13, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art, as applied to claims 1, 12 and 17 above, and further in view of Wilkins.

Walker as modified above meets the claimed invention except specifying a "stop" position.

Wilkins discloses a marked action space that has no effect equivalent to a "stop" position (see Figure 1, numeral 20).

Moreover, Walker teaches the use of cards to effect no gaming action by losing a turn to other player (see column 5, line 55).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a space into the game board that corresponds to no gaming action for adding an extra chance element to the game play.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following citations are given to show related games of path: Thornton, Eleidjian, Olliges and Fejdasz.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zelalem Eshete whose telephone number is (703) 605 1235. The examiner can normally be reached on 8:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeanette Chapman can be reached on (703) 308 1310. The fax phone


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numbers for the organization where this application or proceeding is assigned are (703) 308 7768 for regular communications and (703) 305 3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 1148.

Z

January 2, 2001


JEANETTE CHAPMAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700